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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-244*

13 **TIMOTHY ALLEN ARENDT**  
14 **aka TIMOTHY ALLEN ARINDT**  
42874 Woodside Ct.  
Hemet, CA 92544

**A C C U S A T I O N**

15 **Registered Nurse License No. 524831**

16 Respondent.

17  
18  
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
23 Consumer Affairs.

24 2. On or about August 6, 1996, the Board of Registered Nursing issued Registered  
25 Nurse License Number 524831 to Timothy Allen Arendt, also known as Timothy Allen Arindt  
26 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to  
27 the charges brought herein and will expire on April 30, 2014, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

## STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board

1 may inquire into the circumstances surrounding the commission of the crime in order  
2 to fix the degree of discipline or to determine if the conviction is substantially related  
to the qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority,"  
4 and "registration."

5 9. Section 2761 of the Code states:

6 The board may take disciplinary action against a certified or licensed nurse or  
7 deny an application for a certificate or license for any of the following:

8 (a) Unprofessional conduct, which includes, but is not limited to, the  
following:

9 . . . .

10 (f) Conviction of a felony or of any offense substantially related to the  
11 qualifications, functions, and duties of a registered nurse, in which event the record of  
the conviction shall be conclusive evidence thereof.

12 . . . .

13 10. Section 2762 of the Code states:

14 In addition to other acts constituting unprofessional conduct within the meaning  
15 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person  
licensed under this chapter to do any of the following:

16 . . . .

17 (b) Use any controlled substance as defined in Division 10 (commencing with  
18 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous  
device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner  
19 dangerous or injurious to himself or herself, any other person, or the public or to the  
extent that such use impairs his or her ability to conduct with safety to the public the  
20 practice authorized by his or her license.

21 (c) Be convicted of a criminal offense involving the prescription, consumption,  
or self-administration of any of the substances described in subdivisions (a) and (b) of  
22 this section, or the possession of, or falsification of a record pertaining to, the  
substances described in subdivision (a) of this section, in which event the record of  
23 the conviction is conclusive evidence thereof.

24 . . . .

25 11. Section 2765 of the Code states:

26 A plea or verdict of guilty or a conviction following a plea of nolo contendere  
27 made to a charge substantially related to the qualifications, functions and duties of a  
registered nurse is deemed to be a conviction within the meaning of this article. The  
28 board may order the license or certificate suspended or revoked, or may decline to  
issue a license or certificate, when the time for appeal has elapsed, or the judgment of

conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

#### REGULATORY PROVISIONS

12. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

13. California Code of Regulations, title 16, section 1445 states:

....

(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

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1 **COST RECOVERY**

2 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licensee found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(April 19, 2011 Criminal Conviction for Violating a Domestic Violence Protective Order)**

8 15. Respondent has subjected his license to disciplinary action under sections 490 and  
9 2761, subdivision (f) of the Code in that he was convicted of a crime that is substantially related  
10 to the qualifications, functions, and duties of a registered nurse. The circumstances are as  
11 follows:

12 a. On or about April 19, 2011, in a criminal proceeding entitled *People of the*  
13 *State of California v. Timothy Allen Arendt, aka Timothy Allen Arindt*, in Riverside County  
14 Superior Court, case number SWM10008050, Respondent was convicted on his plea of guilty of  
15 violating Penal Code section 273.6, subdivision (a), violating a domestic violence protective  
16 order, a misdemeanor.

17 b. As a result of the conviction, on or about April 19, 2011, Respondent was  
18 granted 36 months summary probation, and ordered to complete 40 hours of community service,  
19 pay \$770 in fees, fines, and restitution, and to stay away from his victim. Respondent's probation  
20 was revoked and reinstated three times for failing to complete the 40 hours of community service  
21 ordered by the court.

22 c. The facts that led to the conviction are that on or about August 20, 2010, in a  
23 civil proceeding in Riverside Superior Court, case number HED019404, a temporary domestic  
24 violence restraining order was issued against Respondent. (See paragraph 19, below.)  
25 Respondent was ordered not to contact, molest, attack, strike, threaten, sexually assault, batter,  
26 telephone or disturb the peace of his ex-girlfriend. On or about midnight on September 30, 2010,  
27 Respondent's ex-girlfriend received a telephone call from a number she did not recognize, so she  
28 did not answer the telephone. The following morning, she called the number and received

1 Respondent's voicemail. She immediately hung up. On or about midnight of October 1, 2010,  
2 she received another telephone call from the same phone number but did not answer. On or about  
3 midnight of October 2, 2010, she received a lengthy text message from Respondent.

4 Respondent's ex-girlfriend reported the incidents to the Hemet Police Department. Several  
5 attempts were made to locate Respondent at his residence; a neighbor stated that he loaded up his  
6 vehicle three days earlier and had not been seen since. An arrest warrant was filed. On or about  
7 October 20, 2010, the court issued a permanent domestic violence restraining order that will  
8 expire on October 19, 2013.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(August 25, 2011 Criminal Conviction for**

11 **Alcohol-Related Reckless Driving on March 11, 2011)**

12 16. Respondent has subjected his license to disciplinary action under sections 490 and  
13 2761, subdivision (f) of the Code in that he was convicted of a crime that is substantially related  
14 to the qualifications, functions, and duties of a registered nurse. The circumstances are as  
15 follows:

16 a. On or about August 25, 2011, in a criminal proceeding entitled *People of the*  
17 *State of California v. Timothy Allen Arendt, aka Timothy Allen Arindt*, in Riverside County  
18 Superior Court, case number SWM1102513, Respondent was convicted on his plea of guilty of  
19 violating Vehicle Code section 23103, subdivision (a), alcohol-related reckless driving, a  
20 misdemeanor. Respondent's plea agreement dismissed the original charges of violating Vehicle  
21 Code section 23152, subdivision (a), driving under the influence, and Vehicle Code section  
22 23152, subdivision (b), driving with a blood alcohol concentration (BAC) of .08 percent or more,  
23 pursuant to Vehicle Code section 23103.5.

24 b. As a result of the conviction, on or about August 25, 2011, Respondent was  
25 granted 36 months summary probation, and ordered to serve two days in the custody of the  
26 Riverside County Sheriff, with credit for two days. Respondent was further ordered to complete a  
27 four-month first offender DUI program, pay fees, fines, and restitution, and to comply with  
28 probation terms.

1 c. The facts that led to the conviction are that on or about the evening of March  
2 11, 2011, a motorcycle enforcement officer with the Riverside County Sheriff's Department was  
3 assigned to a sobriety checkpoint in San Jacinto. The officer observed a vehicle, driven by  
4 Respondent, make a sudden U-turn as it approached the checkpoint. At the end of the turn,  
5 Respondent's vehicle ended up on the dirt shoulder, and then fish-tailed as it made its way back  
6 onto the roadway. The officer followed Respondent's vehicle as it veered within its lane, and  
7 initiated an enforcement stop. When the officer made contact with Respondent, he smelled the  
8 odor of an alcoholic beverage emanating from within the vehicle. Respondent admitted to  
9 drinking three beers earlier in the day. Respondent submitted to a series of field sobriety tests  
10 which he was unable to perform satisfactorily. Respondent provided two breath samples which  
11 were analyzed with a blood alcohol concentration (BAC) of .080 and .086, respectively.  
12 Respondent was arrested for driving under the influence of alcohol. In a search of his vehicle, the  
13 officer found a partially full bottle of beer in the center console – it was still cool to the touch and  
14 appeared to be recently opened. During booking, Respondent provided two additional breath  
15 samples which were analyzed with a BAC of .07 percent.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Use of Alcohol in a Dangerous Manner)**

18 17. Respondent has subjected his registered nurse license to disciplinary action under  
19 section 2762, subdivision (b) of the Code for unprofessional conduct in that on or about March 1,  
20 2011, as described in paragraph 16, above, Respondent used alcoholic beverages to an extent or  
21 in a manner that was potentially dangerous and injurious to himself, and to others.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Conviction of an Alcohol-Related Criminal Offense)**

24 18. Respondent has subjected his registered nurse license to disciplinary action under  
25 section 2762, subdivision (c) of the Code for unprofessional conduct in that on or about August  
26 25, 2011, as described in paragraph 16, above, Respondent was convicted of a criminal offense  
27 involving the consumption and/or self-administration of alcohol.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(January 5, 2012 Criminal Conviction for Domestic Violence on August 17, 2010)**

3 19. Respondent has subjected his license to disciplinary action under sections 490 and  
4 2761, subdivision (f) of the Code in that he was convicted of a crime that is substantially related  
5 to the qualifications, functions, and duties of a registered nurse. The circumstances are as  
6 follows:

7 a. On or about January 5, 2012, in a criminal proceeding entitled *People of the*  
8 *State of California v. Timothy Allen Arendt, aka timothy Allen Arindt*, in Riverside County  
9 Superior Court, case number SWF1102104, Respondent was convicted on his plea of guilty of  
10 violating Penal Code section 273.5, subdivision (a), infliction of corporal injury on a  
11 spouse/cohabitant, reduced to a misdemeanor as part of Respondent's plea agreement. The court  
12 dismissed an additional count of violating Penal Code section 245, subdivision (a)(1), assault with  
13 a deadly weapon (non firearm) likely to inflict great bodily injury, a felony, pursuant to the plea  
14 agreement.

15 b. As a result of the conviction, on or about January 5, 2012, Respondent was  
16 granted 36 months summary probation, and sentenced to serve 90 days in the custody of the  
17 sheriff, with credit for four days. Electronic monitoring was authorized by the court. Respondent  
18 was further ordered to complete a 52-week Domestic Violence Program, complete 20 hours of  
19 community service, submit to a Fourth Amendment waiver, and pay fees, fines, and restitution.  
20 The domestic violence restraining order remained in effect for Respondent's victim.

21 c. The facts that led to the conviction are that on or about the evening of August  
22 17, 2010, the Riverside Sheriff's Department was dispatched to Respondent's residence in  
23 reference to a report of domestic violence. Upon arrival, deputies found a female ("victim")  
24 sitting on the front lawn holding a bloody towel to her face. The deputies immediately called for  
25 emergency medical services. Respondent was standing approximately six feet away from the  
26 victim; he identified himself as the victim's ex-boyfriend. Respondent was handcuffed and  
27 placed in the back of the patrol car. The deputies noticed several drops of blood on the driveway  
28 leading up to the house, and bloody napkins on the kitchen floor. The victim told the deputies



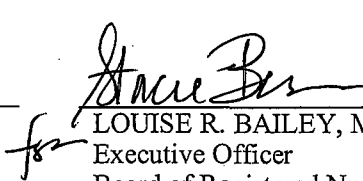
1 that earlier in the evening, Respondent got angry when she said she was going to visit a friend.  
2 Respondent punched her in the face three times and pulled her to the ground by her hair.  
3 Respondent admitted that he slapped the victim twice. Respondent was arrested. The deputies  
4 contacted the Riverside Superior Court and obtained an Emergency Protective Order listing  
5 Respondent as the restrained party. Respondent was served with a copy of the Order on August  
6 20, 2010. One month later, on or about September 20, 2010, Respondent started violating the  
7 protective order as described in paragraph 15, above.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
10 and that following the hearing, the Board of Registered Nursing issue a decision:

- 11 1. Revoking or suspending Registered Nurse License Number 524831, issued to  
12 Timothy Allen Arendt, also known as Timothy Allen Arindt;  
13 2. Ordering Timothy Allen Arendt to pay the Board of Registered Nursing the  
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
15 Professions Code section 125.3;  
16 3. Taking such other and further action as deemed necessary and proper.  
17

18  
19 DATED: October 10, 2012

20  LOUISE R. BAILEY, M.ED., RN  
21 Executive Officer  
22 Board of Registered Nursing  
23 Department of Consumer Affairs  
24 State of California  
25 Complainant  
26  
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